IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 91 OF 2007

DEPUTY COLLECTOR (DEV) AND LAND ACQUISITION OFFICER AND ANR ... Applicants

Versus

SHRI. AGNELO JOSE AUGUSTO PINTO AND 4 ORS. ... Respondents

Ms. Rakhi Chodankar, Additional Government Advocate for the Applicants.
Mr. R.G.Ramani, Advocate for the Respondents.

Coram:- S.A.BOBDE &
N. A. BRITTO, JJ.

Date:- 9th April, 2007

P.C.:-

This is an application for condonation of delay of about 1295 days in filing the First Appeal against the Judgment and Award of the IInd Additional District Judge in Land Acquisition Case No.37 of 1993.

The Judgment and Award was delivered by the learned IInd Additional District Judge on 26-5-2003. According to the affidavit filed on behalf of the applicants the matter before the learned IInd Additional District Judge went completely unattended by Advocate Agha who was appearing in the matter. In fact, the Advocate did not make any communication with the applicants regarding the matter and did not inform them about the disposal of the case.

The fact that this matter remained unattended has also been noted by the learned IInd Additional District Judge in para 5 of the Judgment. The appearances at the end of the cause title also shows that Advocate Agha remained present only at the time of evidence and not thereafter.

It appears that Shri Agha passed away on 30-11-2003 after a prolonged illness. In these circumstances, it is possible to accept the case of the applicants that they came to know of the Judgment when the respondents received a notice of execution of the matter on 3-10-2006. It appears that an appeal has been filed within a period of 2 1/2 months after going through the procedure revised by the Government by filing such appeals.

In this view of the matter, the delay is hereby condoned.

Put up for admission.

S.A.BOBDE, J.

N. A. BRITTO, J.

RD.